

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CHRISTOPHER ZOMERFELD,	:
	:
Plaintiff	:
v.	: 3:22-CV-237
	: (JUDGE MARIANI)
KINGSTON TWP. POLICE, <i>et al.</i> ,	:
	:
Defendants	:

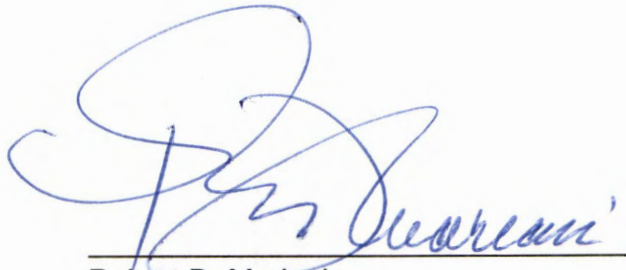
ORDER

AND NOW, THIS 27th DAY OF MARCH, 2023, upon review of Magistrate Judge Joseph Saporito's Report & Recommendation ("R&R") (Doc. 26) for clear error or manifest injustice, **IT IS HEREBY ORDERED THAT:**

1. The R&R (Doc. 26) is **ADOPTED** for the reasons stated therein.¹
2. Defendants' Motion to Dismiss or for Summary Judgment (Doc. 17) is **GRANTED**.
3. Judgment is entered **IN FAVOR OF** Defendants and **AGAINST** Plaintiff with respect to Plaintiff's First Amendment retaliation and Fourteenth Amendment due process claims.

¹ The Court adopts the R&R in full. However, upon review of the Complaint, even under the most liberal construction, Plaintiff has not sufficiently alleged a First Amendment violation with respect to his temporary ban from certain Kingston Township buildings arising out of the letter issued by Kingston Township Manager Kathleen Sebastian, nor does his Complaint even attempt to do so. Nonetheless, it appears to the Court that both the Defendants and the Magistrate Judge, in an attempt to identify potential causes of action that do not appear in Plaintiff's Complaint but could be associated, albeit in the most attenuated fashion, with the terse and cryptic statements made summarily by Plaintiff in his Complaint, have analyzed Plaintiff's filings and presented analyses of Plaintiff's possible claims, to which Plaintiff has made no attempt to respond at any time during these proceedings.

4. All other federal claims set forth in Plaintiff's Complaint are **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief can be granted.
5. The Court, having disposed of all of Plaintiff's federal law claims, declines to exercise supplemental jurisdiction. Plaintiff's state law tort claims are therefore **DISMISSED WITHOUT PREJUDICE**.
6. The Clerk of Court is directed to **CLOSE** this action.



Robert D. Mariani
United States District Judge